

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME
TO COMPLETE DISCOVERY**

Plaintiffs and certain Defendants¹ respectfully move the Court for an Order extending the deadline by which the parties must complete discovery. In support of this motion, the parties state as follows:

1. Currently, the discovery deadline is August 13, 2012.
2. The parties have diligently been working to complete discovery in this matter by the current deadline. However, due to the number of counsel involved and the number of depositions recently taken, currently scheduled and that remain to be taken, the parties respectfully move the court for an additional eleven (11) days, up to and including August 24, 2012, in which to complete discovery.
3. Given the amount of depositional work that has occurred and remains, and the parties' attempts to comply with the current discovery deadline does not reasonably allow completion of the discovery, let alone the expert discovery.

¹ The Moving Defendants include Impac Funding Corporation ("IFC") and the other entities listed in counsel's signature block. The moving parties consulted the other defendants, none of whom objected to the relief sought herein.

4. The parties have recently taken the following depositions: Jo Ann Niffenegger (7/18/2012), James Dickinson (7/18/2012), John Shurance (7/19/2012), the continued deposition of Impac Funding Corporation (7/20/2012) which included 2 deponents and all of which were in Costa Mesa, California; the corporate representative of JP Morgan Chase Bank, N.A. (8/7/2012) in New York, New York; corporate representative of Litton Loan Servicing, L.P. (8/7/2012) in Houston, Texas; Named Plaintiffs Joseph and Amy Black (8/10/2012) in Kansas City, Missouri;

5. The parties have also recently taken the following expert depositions:

- a. Plaintiffs' expert, Dr. John Ward— August 8, 2012, in Kansas City, Missouri;
- b. Plaintiffs' expert, Dr. Kurt Krueger – August 8, 2012, in Kansas City, Missouri; and
- c. Plaintiffs' expert, Rebecca Walzak – August 9, 2012, in Kansas City, Missouri.

6. The parties have or will schedule at least the following depositions which need to be taken:

- a. Defendants' Expert, A. Randall Appleyard – August 14, 2012 in New York;
- b. Defendant's Expert, Charles Finch – August 23, 2012, in Kansas City, Missouri; and
- c. Defendants' Expert, David Lykken – August 24, 2012, in Kansas City, Missouri.

7. Additionally, a representative for Deutsche Bank National Trust Company must also be deposed. Plaintiffs also need to take the deposition of Wayne Walker, the former

president of Preferred Credit Corporation, who currently resides in North Carolina. Plaintiffs have been attempting to serve Mr. Walker with a subpoena for several weeks without success. It appears he is evading service.

7. Plaintiffs and the primary group of remaining unsettled Defendants (the IMPAC group of defendants) agreed to mediate the matter. Plaintiffs and the IMPAC defendants have agreed upon Richard McLeod as the mediator. The mediation previously scheduled for July 26, 2012 was postponed and the parties are currently in the process of rescheduling the mediation for sometime during the first two weeks of September. Additionally, Plaintiffs have engaged in settlement discussions with the remaining defendants in this matter.

8. Given the foregoing, the parties have discussed and consented to an eleven (11) day extension of the discovery deadline. Based on the proposed extension, discovery would now close on August 24, 2012. The parties agree that the additional time is reasonably necessary to complete the remaining discovery.

9. The additional time requested for discovery will not result in any delay in the case. The parties only seek to extend the discovery deadlines for purposes of completing the scheduled depositions, and do not seek to alter any other existing deadlines, including the deadlines for dispositive motions or for trial. Therefore, the requested extension will not adversely affect any of the other scheduling or trial deadlines.

10. The instant request to extend the discovery deadline is made in good faith, not for the purpose of delay, and will not prejudice any party.

11. Counsel for the other defendants have been consulted and have indicated no opposition to the requested extensions.

WHEREFORE, the parties jointly move this Court for an Order extending the deadline for the close of discovery to August 24, 2012, and for any other relief that the Court deems just and proper.

Dated: August 13, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By: /s/ R. Frederick Walters

R. Frederick Walters – Mo. Bar 25069

Kip D. Richards – Mo. Bar 39743

David M. Skeens – Mo. Bar 35728

Karen W. Renwick – Mo. Bar 41271

J. Michael Vaughan Mo. – Bar 24989

Garrett M. Hodes – Mo. Bar 50221

Matthew R. Crimmins – Mo. Bar 53138

Bruce V. Nguyen – Mo. Bar 52893

WALTERS, BENDER, STROHBEHN &
VAUGHAN, P.C.

2500 City Center Square

1100 Main Street

P.O. Box 26188

Kansas City, MO 64196

(816) 421-6620

(816) 421-4747 (Facsimile)

fwalters@wbsvlaw.com

krichards@wbsvlaw.com

dskeens@wbsvlaw.com

krenwick@wbsvlaw.com

mvaughan@wbsvlaw.com

ghodes@wbsvlaw.com

mcrimmins@wbsvlaw.com

bnguyen@wbsvlaw.com

Attorneys for Plaintiffs and Class Counsel

/s/ Barry L. Pickens

Barry L. Pickens, Esq. MO #43379
SPENCER FANE BRITT & BROWNE
1000 Walnut Street, Suite 1400
Kansas City, MO 64106-2140
Telephone: (816) 474-8100
Facsimile: (816) 474-3216
bpickens@spencerfane.com

/s/ Daniel J. Tobin

Daniel J. Tobin, Esq. (admitted *pro hac vice*)
BALLARD SPAHR LLP
4800 Montgomery Lane, Suite 700
Bethesda, MD 20814
Telephone: (301) 664-6200
Facsimile: (301) 664-6299
tobindj@ballardspahr.com

Attorneys for Defendants Impac Mortgage Holdings, Inc.; Impac Funding Corporation; Impac Secured Assets Corporation; IMH Assets Corporation; Impac Real Estate Asset Trust Series 2006-SD1; Deutsche Bank National Trust Company, in its capacity as trustee for the 2006-SD1 Trust and as former trustee for the following trusts, all of which have terminated: Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, and Impac CMB Trust Series 2003-5; Bank of America, National Association, as successor by merger to LaSalle National Bank, in its capacity as former trustee of terminated trust Impac CMB Trust Series 1999-1; Wells Fargo Bank, N.A., in its capacity as former trustee for terminated trust Impac Mortgage Pass-Through Certificates 2000-1; and Wingspan Portfolio Advisors, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 13th day of August 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

Arthur E. Kechjian, Manager
United Mortgage C.B., LLC
P.O. Box 471827
Charlotte, NC 28247
Defendant United Mortgage C.B., L.L.C.

/s/ R. Frederick Walters